

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARWIN HUGGANS,
Petitioner,

v.

T.G. WERLICH,
Respondent.

No. 4:18-CV-1935 JAR

MEMORANDUM AND ORDER

This matter is before the Court upon review of petitioner Darwin Huggan's motion for a certificate of appealability. After review of the record, the Court will deny the motion.

The Court denied petitioner's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 as untimely on June 22, 2020. In the Memorandum and Order, the Court denied a certificate of appealability simultaneously with the Order of Dismissal. In his motion for certificate of appealability, movant has not provided any arguments supporting his request for certificate of appealability that have not already been addressed by this Court.

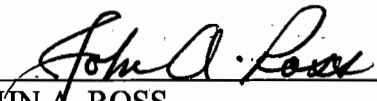
The Court has reviewed the record in its entirety and considered whether to issue a certificate of appealability. In order to issue such a certificate, the Court must find a substantial showing of the denial of a federal right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). "A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings." *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Petitioner has not made such a showing in this action, and the Court will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for certificate of appealability [Doc. #20] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall process petitioner's notice of appeal forthwith.

Dated this 25th day of August, 2020.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE